

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Dixie A. Sutton,)	Civil Action No. 4:13-2542-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Securitas Security Services, USA, Inc.,)	<u>OPINION AND ORDER</u>
)	
Defendant.)	
_____)	

Through this action, Plaintiff Dixie A. Sutton ("Plaintiff") seeks recovery against her former employer, Securitas Security Services, USA, Inc. ("Defendant") for alleged employment discrimination. Plaintiff alleges four claims: (1) discrimination on the basis of race in violation of Title VII of the Civil Rights Act ("Title VII"), 42 U.S.C. § 2000e et seq.; (2) violation of the Americans with Disabilities Act of 1990, as amended ("ADA"), 42 U.S.C. § 12112(a) et seq.; (3) a state law claim of intentional infliction of emotional distress; and (4) a state law claim of negligent retention and supervision. (ECF No. 1).

This matter is before the court on Defendant's Motion to Dismiss Plaintiff's state law claims. (ECF No. 7). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kaymani D. West for pretrial handling and a Report and Recommendation. On March 24, 2014, the Magistrate Judge issued a Report and Recommendation recommending that Defendant's Motion to Dismiss be granted. (ECF No. 28).

The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if they failed to do so. Objections were due on April 10, 2014 and neither party has filed objections.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

The court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the court adopts and incorporates the Report and Recommendation by reference. Defendant’s Motion to Dismiss (ECF No. 7) is GRANTED and Plaintiff’s causes of action for Intentional Infliction of Emotional Distress (Count III) and for Negligent Retention and Supervision (Count IV) are DISMISSED.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
April 16, 2014.